

**BOARD OF GAME AND INLAND FISHERIES  
4000 WEST BROAD STREET  
RICHMOND, VIRGINIA 23230**

**April 1, 2008  
9:00am**

**Present:** James W. Hazel, Chairman, Richard E. Railey, Jr., Vice-Chairman, Mary Louisa Pollard, Dr. William T. Greer, Jr., Ward Burton, Sherry S. Crumley, C. T. Hill, Randy J. Kozuch, Charles S. Yates; John W. Montgomery, Jr. **Absent:** Thomas A. Stroup; **Legal Counsel:** Roger Chaffe; **Director:** Robert “Bob” W. Duncan; **Senior Staff:** Charlie Sledd, David Whitehurst, Gary Martel, Bob Ellis, Rick Busch, Colonel Dabney “Dee” Watts, Ray Davis, Lee Walker, Larry Harizanoff.

The Chairman called the meeting to order at 9:00am and the Pledge of Allegiance was lead by Mr. Randy Kozuch and the Mission Statement was read into the minutes by Dr. William T. Greer, Jr. The Chairman thanked everyone for their attendance. The Chairman noted for the record that a quorum was present.

**Public Comments Non-Agenda Items:** The Chairman stated those who had registered to speak on agenda items would be recognized during those portions of the meeting. The Chairman invoked the following rule: If you are representing a group you have 5 minutes and if you are speaking as an individual, you have 3 minutes.

**Mr. John Curry, Waynesboro, Virginia,** spoke regarding a recent article written by Mr. Andy Thompson, *Richmond Times Dispatch* and the use of electronic calls and spotlighting of Bobcats and Fox’s.

The Chairman thanked Mr. Curry for his remarks.

**Mr. Floyd Smith, Sr., Goochland, Virginia** spoke regarding quail habitat

The Chairman thanked Mr. Smith for his remarks.

**Recognition of Employees and Others:** The Chairman called upon Mr. Bob Duncan to recognize the Division Directors who will present staff recognitions and special project recognition.

**Law Enforcement:** Colonel Dabney “Dee” Watts presented Retired Colonel G. Michael Bise his Certificate of Appreciation and Dedication to the Law Enforcement Division and to the agency. Colonel Watts gave the following remarks:

*Mr. Chairman, Ladies and Gentlemen of the Board; It is my distinct pleasure to make this presentation.*

*The Jesuit philosopher Baltasar Gracian once said, “Great ability develops and reveals itself increasingly with every new assignment”. I believe Colonel Mike Bise’s career progression with DGIF is an excellent illustration of that thought.*

*Colonel Mike Bise began his career in May of 1980 as a game warden assigned to Henry County. Mike told me when he went there he was told “ if the politics don’t get you, the outlaws will. Well he learned to work with the politicians and they didn’t get him but the outlaws almost did more than once!*

*In February 1988, he was promoted to sergeant for Henry, Patrick, Floyd and Carroll counties.*

*In January of 1993, he was promoted to Lieutenant for Appomattox, Charlotte, Campbell and Halifax. The diversity of the work and the ethics and teamwork of his officers led Mike to say that this was the best job he held in his career with DGIF.*

*In 1995, he was promoted to Captain of Region V. In 2002, he came to Richmond Headquarters as operations Major, then the chief of law enforcement in 2006 and finally just when he was about to retire the Board appointed him interim Director in December of 2007.*

*For those of us who had the privilege of working closely with Mike over the course of his career his exceptional ability as a professional conservation law enforcement officer, as a manager and as a leader clearly stood out. He had the innate ability to manage people, to be innovative in his work, to make the tough decisions, to lead change within the Division and in the agency and most importantly of all he had the ability it seemed to always do what was right. And he did all these things extremely well.*

*Honor, integrity, character, respect, dedication, commitment, are just a few of the words I have heard to describe my predecessor as Director of the Agency’s Law Enforcement Division. However, there is another word that I believe characterize’s Mike’s 28 year career in public service as well as any other and that word is DUTY. It was Mike’s sense of duty that motivated him throughout his career to always seek out additional responsibilities.*

*Robert E. Lee had this to say about duty, “Duty then is the most sublime word in the English language. You should do your duty in all things. You can never do more, you should never wish to do less.”*

*Mike, you have done your duty, and to paraphrase Lee again, as you leave DGIF “take with you the satisfaction that proceeds from the consciousness of duty faithfully performed.”*

Colonel Bise thanked everyone and said “It was not everyday you are afforded to perform a job that you have always wanted to do.” It was a true honor and privilege to serve in the Law Enforcement Division and as Interim Director.

On behalf of the Board, the Chairman congratulated him on his retirement.

**Administrative Services Division:** Mr. Ray Davis presented Dr. Virgil Kopf, PHD his Certificate of Appreciation and Dedication of Service to the agency. Dr. Kopf retired February 29, 2008. During Dr. Kopf’s 24 years of service, he made many significant contributions in the fields of planning, budget and information technology. Because of Dr. Kopf’s knowledge and insight, he placed the agency on the cutting edge of providing

better customer service to the Citizens of the Commonwealth. Dr. Kopf has been recognized both at a state level and nationally for his works. On behalf of the agency, Mr. Davis thanked him for his contributions and wished him well in his retirement.

Dr. Kopf said he appreciated everything and reflected on his arrival at the agency with his computer. Dr. Kopf gave a brief description of some of his works (electronic license sales, digital signature capability and the development of systems that handle biological data). Some of these systems are used in the Commonwealth today. Dr. Kopf was able to reach these accomplishments with the help of dedicated staff members and support of the agency. Dr. Kopf stated it had been a pleasure to serve the agency.

On behalf of the Board, the Chairman thanked Dr. Kopf for his service and wished him well in his retirement.

Mr. Bob Duncan called upon Mr. James Adams to present the following awards:

Mr. Adams presented posthumously a Certificate of Appreciation to Ms. Brenda Moore. Ms. Moore passed away suddenly on February 14, 2008. Mr. Adams introduced members of Ms. Moore's family that were in attendance today to receive the Certificate on Ms. Moore's behalf. Ms. Moore always accepted new job task exceedingly, abundantly well. Ms. Moore brought joy to everyone who knew her.

Mr. Adams read the following certificate:

**Brenda Moore  
In Recognition and Appreciation of:**

Twelve years of dedicated service and commitment to the Virginia Department of Game and Inland Fisheries, its staff, and the Virginia hunters, anglers, boaters and wildlife enthusiasts as Office Service Specialist and Executive Secretary for the Office of Capital Program.

Brenda's dedication and achievements in this effort reflect the highest credit upon herself, the Office of Capital Programs, the Department of Game and Inland Fisheries and the Commonwealth. Her humor, loyalty, personality and friendship will be missed.

For she who has given of herself to serve her family and others has served from the heart.

Given the 1<sup>st</sup> day of April, in the year of two thousand and eight under the seal of the Department of Game and Inland Fisheries

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**James C .Adams**  
**Capital Programs Director**

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**Raymond E. Davis**  
**Administrative Services**

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**Robert W. Duncan**  
**Executive Director**

Mrs. Chambers, Brenda's mother, thanked everyone for their gifts, cards and visits during her daughter's recent death.

On behalf of the Board, the Chairman extended their sincere condolences and said she was a valued employee of the agency.

Mr. James Adams presented a Certificate of Appreciation to Mr. Wayne Wesson, who retired March 31, 2008. Mr. Adams said that “you really could not describe Wayne as a fixture because fixtures do not move!” Wayne has been in constant movement since his arrival at the agency. Mr. Adams said of Wayne that he performed his daily task in a “somewhat relax but intense manner.” Mr. Adams read the following certificate:

**Kenneth Wayne Wesson  
In Recognition and Appreciation of:**

Twenty one years of dedicated service and commitment to the Virginia Department of Game and Inland Fisheries, its staff, and its customers as Buildings and Grounds Supervisor for the Central Headquarters Complex and for unending effort to maintain a safe and sounds working environment for all personnel and our customers, the Virginia hunters, anglers, boaters and wildlife enthusiasts.

Wayne’s dedication and achievements in this effort reflect the highest credit upon himself, the Office of Capital Programs, the Department of Game and Inland Fisheries and the Commonwealth.

For him who has given of himself to serve others has served from the heart.

Given the 1<sup>st</sup> day of April, in the year of two thousand and eight under the seal of the Department of Game and Inland Fisheries

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**James C .Adams**  
**Capital Programs Director**

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**Raymond E. Davis**  
**Administrative Services**

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**Robert W. Duncan**  
**Executive Director**

Mr. Wesson said he continually strived to provide a better working environment for all employees located in the three buildings. Mr. Wesson appreciated all of the confidence placed in him to make the repairs needed to the buildings and he enjoyed working with the staff. Mr. Wesson thanked the Board for their service to the Commonwealth.

On behalf of the Board, the Chairman thanked Mr. Wesson for his service and wished him well in his retirement.

## **Law Enforcement**

Mr. Charlie Sledd presented Senior CPO Joe Dedrick the Virginia’s Boating Law Enforcement Officer of the Year by the National Association of Safe Boating Law Administrators. NASBLA created the Boating Officer of the Year Award to recognize and honor outstanding service to recreational boating. This award symbolizes the highest level of achievement among boating law enforcement officers in the United States. A boating law enforcement officer of the year is selected from each state. Mr. Sledd gave the following description of Senior CPO Dedrick’s accomplishments:

*From day one with this agency in the late sixties, Senior Officer Joe Dedrick has displayed a strong desire to perform each day to the highest of standards and to provide the best possible service to our constituents. Incredibly, his will to get the job done has remained intact for nearly 40 years, even though the job has dramatically changed with the times. In fact, he is a role model of motivation to our younger officers and his dedication to this agency is second to none.*

*Officer Dedrick makes the work and boat schedules on a monthly basis, often times filing the final least desirable spots himself. He contacts local law enforcement agencies and is responsible for the coordination between their officers and ours on Lake Anna. He fully understands the importance of always assigning officers to peak traffic times on the water when the detection of BUI and Reckless Operation cases are more likely, in order to protect the public in the most effective way possible.*

*Officer Dedrick has the most BUI cases in the entire Region last year, accounting for 33% of the total of all Boating under the Influence arrests. In fact, since the BUI Boat Law was passed on Just 1<sup>st</sup> of 1989, he has made over 50 such arrest as he protected the public on the water.*

*Out of the 30 officers assigned to Region 5 last summer Officer Dedrick conducted the third highest number of boat patrols.*

*During the three day Lake Anna SWEEP Operation last year, Officer Dedrick was a shift leader responsible for briefing seven fellow officers before their assigned shift. These officers were mostly from other parts of the state and the logistics and important locations on Lake Anna were effectively explained to each of them, which greatly contributed to this highly successful operation involving a total of 37 dedicated boat patrols with six boating safety check points in the "largest concentration effort ever" on Lake Anna. He conducted a de-briefing with his shift and reported the success of his shift to his chain of command.*

*Just last year during the Statewide Operation SWEEP, Officer Dedrick utilized his media-relations skills with a ride along reporter while arresting a boat operator for operating under the influence; this lead to a very positive boating safety story on the front page of the Free-Lance star Newspaper.*

*Officer Dedrick began his career at a time when boat work was not a primary concern; however, as the above examples illustrate, he quickly saw the importance of this vital public safety effort. He has fully embraced the work and concept by consistently patrolling large bodies of water in multiple jurisdictions. Although this type of boat work has a way of taking its toll on the body over time and many older officers reduce their enforcement efforts, Officer Dedrick is still out maintaining a high level of performance.*

Mr. Sledd congratulated Officer Dedrick on receiving his award.

Senior Officer Dedrick thanked the Board for their support of the Law Enforcement Division. Officer Dedrick said that he believed peoples lives have been changed due to the work of the Law Enforcement Division.

On behalf of the Board, the Chairman congratulated Senior Officer Dedrick on receiving his award and thanked him for his service and dedication to the agency.

### **Fisheries Division**

Mr. Gary Martel presented a Certificate of Appreciation to Southside Electrical Cooperative. Mr. Martel made the following presentation:

*DGIF would like to recognize and thank Southside Electric Cooperative (SEC) for their generous donation at Powhatan Lakes. SEC provided a full week of work crews and the use of their specialized company equipment (and fuel). They installed all the pilings for several pier structures at Upper and Lower Powhatan Lakes. Without their timely support DGIF would not have been able to take advantage of the reduced cost of construction while the lake beds were dry (DGIF costs limited to materials).*

*SEC workers set the piles for two courtesy boat docks, two fishing piers, a trail bridge, and a wildlife observation deck. The local SEC crew with Foreman Eddie Lowe and the Off-road crew with Foreman Ken Arrington took to this project with great pride and ownership.*

*It is this kind of generous support that maximizes the Department's investment in outdoor recreation. Creating accessibility to these lakes will enhance the outdoor experience for many Virginians. This type of partnership is essential as we look toward the future and the work that will need to be done. Today we also have Mr. Orlin Clarke with us representing SEC to accept this token of the Agencies appreciation.*

Mr. Orlin Clarke said they were happy to participate in the project and felt it would be very beneficial to the agency and community.

On behalf of the Board, the Chairman thanked the Southside Electric Cooperative representatives for their contribution to the agency.

Mr. Gary Martel presented the Eugene W. Surber Professional Service Award for 2008 to Mr. Stephen J. Reeser for his outstanding contributions to the protection and management of Virginia's aquatic resources. Mr. Reeser is the Region IV, Fisheries Biologist. Mr. Martel gave the following presentation:

*Stephen J. Reeser, Region IV Fisheries Biologist, was honored with the Eugene W. Surber Professional Service Award at the 2008 meeting of the Virginia Chapter of the American Fisheries Society. This annual award is given by the Chapter in recognition of outstanding contributions to the management of Virginia's aquatic resources.*

*Steve served as president of the Virginia Chapter AFS in 2005. He was instrumental in coordination of the Spring Meeting of the Southern Division AFS in Virginia Beach, and the 4<sup>th</sup> East Coast Trout Management and Culture Workshop.*

*Since 2005, the Shenandoah River watershed has experienced massive fish kills. Steve and Don Kain (DEQ) were charged with forming a task force of representatives from industry, agriculture, recreation, government, education, and citizen monitoring groups. With his leadership he has communicated effectively with the press, formulated*

*monitoring plans, assembled funding, and has essential been the Department's point-man on this important issue. He has done this difficult task with poise, intelligence, organization, and tact.*

*Despite his large time investment in the fish kills, Steve still had time to: design and oversee a creel survey of South Fork Shenandoah River, radio tag and track bass on the depletion studies conducted by the SMB Committee of DGIF, work with local agencies on a blueway for the South Fork Shenandoah River, contribute to the mercury investigations on the South River Science Team, work as an ad hoc member of the Pure Water Forum (Shenandoah Roundtable), and with the Virginia Natural Resources Leadership Institute, and is the Virginia representative to the Southern Division's Trout Committee. He is a valuable asset to the Fisheries Division of DGIF and is an emerging leader in his field.*

Mr. Reeser thanked the Board and the agency for their support.

On behalf of the Board, the Chairman congratulated Mr. Reeser on receiving his award and thanked him for his dedication to the agency.

Mr. Duncan said he and Mrs. Crumley had the distinct pleasure of recently attending the National Wild Turkey Federation Meeting in Staunton. During the meeting the next two employees received awards for their work with turkeys:

### **Law Enforcement**

Colonel Dee Watts present Senior CPO Randy Hurst the Virginia National Wild Turkey Federation Officer of the Year Award.

Colonel Watts delivered the following remarks:

*The NWTF initiated the State Wildlife Law Enforcement Officer of the Year award in 2000 to highlight the contributions from wildlife officers across the country.*

*NWTF CEO Rob Keck commented on this program by saying "Without the tremendous level of support for wild turkey conservation from wildlife law enforcement officers, restoration efforts and wildlife management strategies dealing with the wild turkey resource would never have succeeded."*

*Today I am proud to present the award as the Virginia NWTF Chapter's State Wildlife Officer of the Year to Senior Conservation Police Officer Randy Hurst.*

*Randy began his career with the DGIF in 1982. In 1989 he joined the Virginia Highlands Chapter of the NWTF and was instrumental in establishing a turkey hunting exposition and turkey calling contest which lasted for 10 years.*

*Officer Hurst's other accomplishments include establishing several JAKES or Juniors Acquiring Knowledge, Ethics and Sportsmanship events, assisting in the*

*planting of wild turkey food plots on the Stewarts Creek and Crooked Creek WMAs, assisting the Wildlife Division annually with controlled burns on our WMAs to benefit wild turkey habitat, sharing his knowledge of the wild turkey with the youth of Carroll County and surrounding areas, and making numerous cases for violations during the fall and spring turkey seasons.*

Officer Hurst's said he appreciated all of the opportunities he has been given to work with his fellow officers. Officer Hurst thanked the Board and agency for their support.

On behalf of the Board, the Chairman congratulated Officer Hurst on his award and service to the agency.

### **Wildlife Division**

Mr. Rick Busch presented Mr. John Pound of the Wildlife Division the 2007 National Wildlife Turkey Federation Manager of the Year Award. Mr. Pound is a Wildlife Biologist Assistant at the Gathright WMA.

Mr. Pound said he has enjoyed working with the agency during the past 36 years and thanked everyone for their support.

On behalf of the Board, the Chairman congratulated Mr. Pound on his award and thanked him for his dedication to the agency.

### **Information and Education Section**

Mr. Lee Walker introduced the new editor of the *Virginia Wildlife Magazine*, Ms. Sally Mills. Mr. Walker gave the following introduction and welcome:

*Sally has been involved with Virginia Wildlife since the mid-1990s and worked with Carol Heiser to produce the first 16 features of the "Wild in the Woods" series. She has freelanced for several publications, most recently for the regional newspaper **The Bay Journal** (circ. ~48,000).*

*Sally has worked for and with the state since her arrival in Virginia in 1990. She operated a small, desktop publishing business during the 1990s, and in that capacity contracted with many of Virginia's natural resource agencies. In 1996, she published the first in a 3-part series of **Tidewater Low Country Almanacs**—to educate and encourage a stewardship ethic among the growing population of Virginia's eastern region.*

*She worked with the Virginia Sea Grant Program at the Virginia Institute of Marine Science for six years, directing communications efforts for the Advisory Services Department. In that position, she wrote, designed and edited a quarterly publication, the **Virginia Marine Resource Bulletin**, which translated advances in marine science research for a wide audience—including commercial fishermen, seafood processors and other business interests.*



*Her most recent position with the Middle Peninsula Land Trust provided the opportunity to shape marketing and outreach efforts to landowners considering the donation of conservation easements.*

*In her spare time, Sally enjoys kayaking, hiking, fishing, photography and music. She is a hobbyist beekeeper and grows shiitake mushrooms, with help from her 2 teenagers. She lives in Mechanicsville in Hanover County.*

Ms. Mills said she was delighted to become a part of the agency and looks forward to working on the magazine.

On behalf of the Board, the Chairman welcomed Ms. Mills to the agency.

### **Director's Office**

Mr. Bob Duncan presented service award for 30 years each to: Mr. Charlie Sledd, Gary Martel and David Whitehurst. They all began in the Fisheries Division and since arriving they have performed various job assignments with the agency. Mr. Sledd now serves as the Director for the Boating Safety Unit; Mr. Martel serves as the Division Director for Fisheries and Mr. David Whitehurst serves at the Division Director for Wildlife Diversity. Mr. Duncan thanked each of them for their continuous service and dedication to the Agency.

On behalf of the Board, the Chairman thanked each of them for their service and dedication to the agency.

***Mr. Montgomery arrived at 10:10am.***

**Approval of January and February Minutes:** The Chairman said the minutes of these meetings have been distributed for review and posted to the web site. He called for discussion and approval of the January 22, 2008 and February 6, 2008 minutes as presented. **Dr. Greer made the motion for the minutes to be approved as submitted. Motion Seconded by Mr. Railey: Ayes: Pollard, Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch, Yates and Hazel.**

### **Recommended Muzzleloader Regulation**

Mr. Bob Ellis of the Wildlife Division presented the staff's recommendation to remove the reference to the type of ignition system in the definition of a muzzleloader in 4 VAC 15-90-80 (part G). This was brought forward at the January board meeting by a representative from the Connecticut Valley Arms (CVA) muzzleloader manufacturing company requesting that the department consider muzzleloader guns that can be fired by an electronic ignition system as a legal muzzleloader during the muzzleloading season. The staff had no objections to advertising the request at that time but an official vote from the Board to do so was not recorded. Therefore, staff is bringing it back again to obtain board approval to advertise the recommendation.

Mr. Ellis also advised the Board that a similar amendment needs to be made in the muzzleloading Bear section (4 VAC 15-50-71). Mr. Ellis referred to the page handed out to the Board prior to the meeting.

**Staff Recommendation:**

The staff recommends the Board propose the amendment to 4 VAC 15-90-80 and 4 VAC 15-50-71 as presented by staff. If approved, the proposal will be published in the Virginia Register, newspapers statewide, and on the Department's web page.

**4VAC 15-90-80**

**Game: Deer: Muzzleloading gun hunting.**

**Summary:**

The recommendation is to remove the reference to flintlock and percussion in the definition of a muzzleloader in section G of the regulation.

**Recommended language of amendment:**

4VAC15-90-80. Muzzleloading gun hunting-

A. It shall be lawful to hunt deer during the early special muzzleloading season with muzzleloading guns from the Saturday prior to the first Monday in November through the Friday prior to the third Monday in November, both dates inclusive, in all cities, towns, and counties where deer hunting with a rifle or muzzleloading gun is permitted, except in the cities of Chesapeake, Suffolk (east of the Dismal Swamp Line) and Virginia Beach.

B. It shall be lawful to hunt deer during the late special muzzleloading season with muzzleloading guns starting 18 consecutive hunting days immediately prior to and inclusive of the first Saturday in January, in all cities, towns, and counties west of the Blue Ridge Mountains (except Clarke County and on non-national forest lands in Frederick County), and east of the Blue Ridge Mountains in the counties (including the cities and towns within) of Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad), Franklin, Henry, Nelson (west of Route 151), Patrick and Pittsylvania (west of Norfolk Southern Railroad) and on national forest lands in Frederick County and in the cities of Chesapeake, Suffolk (east of the Dismal Swamp line), and Virginia Beach.

C. Deer of either sex may be taken during the entire early special muzzleloading season in all cities, towns, and counties east of the Blue Ridge Mountains (except on national forest lands, state forest lands, state park lands except Occoneechee State Park, department-owned lands and Philpott Reservoir) and on the second Saturday only east of the Blue Ridge Mountains on state forest lands, state park lands except Occoneechee

State Park, department-owned lands and on Philpott Reservoir. Deer of either sex may be taken during the entire early special muzzleloading season on Occoneechee State Park. Deer of either sex may be taken during the early special muzzleloading season only on the second Monday in November in all counties west of the Blue Ridge Mountains (except Clarke, Buchanan, Dickenson, Floyd, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise, and in Grayson Highlands State Park and national forest lands in Grayson County, and on private lands in Frederick, Roanoke, and Warren counties) and on national forest and department-owned lands in Roanoke County and on national forest lands in Frederick and Warren counties and on national forest lands in Amherst, Bedford, and Nelson counties. Additionally, deer of either sex may be taken during the entire early special muzzleloading season in Clarke and Floyd counties and on private lands in Frederick, Roanoke and Warren counties.

D. Deer of either sex may be taken during the entire late special muzzleloading season in the counties (including the cities and towns within) of Amherst (west of U.S. Route 29 except on national forest lands), Bedford (except on national forest lands), Campbell (west of Norfolk Southern Railroad), Franklin, Henry, Nelson (west of Route 151 except on national forest lands), Patrick, and Pittsylvania (west of Norfolk Southern Railroad). It shall be lawful to hunt deer of either sex during the last six days of the late special muzzleloading season in all counties west of the Blue Ridge Mountains (except Buchanan, Dickenson, Floyd, in Grayson Highlands State Park and national forest lands in Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise, and on private lands in Roanoke and Warren counties) and on national forest and department-owned lands in Roanoke County and on national forest lands in Warren County and on national forest lands in Amherst, Bedford, Frederick, and Nelson counties and in the cities of Chesapeake, Suffolk (east of the Dismal Swamp line), and Virginia Beach. Provided further it shall be lawful to hunt deer of either sex during the last day only of the late special muzzleloading season in the counties of Lee, Russell, Scott, Smyth, Tazewell, and Washington and in Grayson Highlands State Park and national forest lands in Grayson County. Additionally, deer of either-sex may be taken during the entire late special muzzleloading season in Floyd County and on private lands in Roanoke and Warren Counties.

E. Deer of either sex may be taken full season during the special muzzleloading seasons within the incorporated limits of any city or town in the Commonwealth that allows deer hunting except in the counties of Buchanan, Dickenson, and Wise and in the cities of Chesapeake, Suffolk, and Virginia Beach.

F. It shall be unlawful to hunt deer with dogs during any special season for hunting with muzzleloading guns.

G. A muzzleloading gun, for the purpose of this section, means a single shot ~~flintlock or percussion~~ weapon, excluding muzzleloading pistols, .45 caliber or larger, firing a single projectile or sabot (with a .38 caliber or larger projectile) of the same caliber loaded from the muzzle of the weapon and propelled by at least 50 grains of black powder (or black powder equivalent or smokeless powder).

H. It shall be unlawful to have in immediate possession any firearm other than a muzzleloading gun while hunting with a muzzleloading gun in a special muzzleloading season.

**Rationale:**

A representative from the Connecticut Valley Arms (CVA) muzzleloader manufacturing company attended the January board meeting and requested that the department consider muzzleloader guns that can be fired by an electronic ignition system as a legal muzzleloader during the muzzleloading season. Currently only flintlock and percussion muzzleloaders are allowed. What constitutes a legal muzzleloading firearm has evolved since the first special muzzleloading deer season was held in 1973. Since that time technology in muzzleloader firearms has advanced and regulation changes have been adopted to allow modern in-line ignition weapons, scopes, sabots, jacketed bullets, and smokeless powder. With the possibility of other ignition devices being developed in the future, staff believes removing the reference in the regulation to a specific ignition type would be the most effective way to address future technological advancements in this area.

**4VAC 15-50-71**

**Game: Bear. Muzzleloading gun hunting.**

**Summary:**

The proposal is to remove the reference to flintlock and percussion in the definition of a muzzleloader in section C of the regulation.

**Recommended language of amendment:**

4 VAC15-50-71. Game: Bear. Muzzleloading gun hunting.

A. It shall be lawful to hunt bear during the special muzzleloading season with muzzleloading guns from the Tuesday prior to the third Monday in November and for three consecutive hunting days following, both dates inclusive, except in Alleghany, Amherst, Augusta (west of Interstate 81 and that part east of Interstate 81 that is south of Interstate 64), Bath, Bedford, Bland, Botetourt, Buchanan, Campbell (west of Norfolk Southern Railroad), Carroll, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania (west of Norfolk Southern Railroad), Pulaski, Roanoke, Rockbridge, Rockingham (west of Interstate 81), Russell, Scott, Shenandoah (west of Interstate 81), Smyth, Tazewell, Washington, Wise and Wythe counties and in the cities of Chesapeake, Suffolk and Virginia Beach.

B. It shall be unlawful to hunt bear with dogs during any special season for hunting with muzzleloading guns.

C. A muzzleloading gun, for the purpose of this section, means a single shot ~~flintlock or percussion~~ weapon, excluding muzzleloading pistols, .45 caliber or larger, firing a single

projectile or sabot (with a .38 caliber or larger projectile) of the same caliber loaded from the muzzle of the weapon and propelled by at least 50 grains of black powder (or black powder equivalent or smokeless powder).

D. It shall be unlawful to have in immediate possession any firearm other than a muzzleloading gun while hunting with a muzzleloading gun in a special muzzleloading season.

**Rationale:** A representative from the Connecticut Valley Arms (CVA) muzzleloader manufacturing company attended the January board meeting and requested that the department consider muzzleloader guns that can be fired by an electronic ignition system as a legal muzzleloader during the muzzleloading season. Currently only flintlock and percussion muzzleloaders are allowed. What constitutes a legal muzzleloading firearm has evolved since the first special muzzleloading deer season was held in 1973. Since that time technology in muzzleloader firearms has advanced and regulation changes have been adopted to allow modern-in-line ignition weapons, scopes, sabots, jacketed bullets, and smokeless powder. With the possibility of other ignition devices being developed in the future, staff believes removing the reference in the regulation to a specific ignition type would be the most effective way to address future technological advancements in this area.

**At the conclusion of the presentation, the Chairman call for a motion to approve the recommended regulation changes for advertisement. Mr. Hill made the following motion: Mr. Chairman, I hereby move that the Board propose for advertisement the amendments to 4 VAC 15-90-80 and 4 VAC-15-50-71 as recommended by staff. Motion Seconded by Mr. Burton. Ayes: Pollard, Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch, Yates and Hazel.**

#### **Proposed Wildlife Regulation (Northumberland County) – Final Adoption**

Mr. Bob Ellis presented for final action a proposal to rescind 4 VAC 15-270-50 at the request of the Northumberland County administrator. The regulation addresses the prohibition of certain firearm use in Northumberland Co. This was brought forward at the January meeting as a staff recommendation since it was not carried during our normal regulation process and needed to be rescinded for clarification.

#### **Recommendation:**

The staff recommends the Board adopt the proposal as presented by staff to rescind 4 VAC 15-270-50 from the Virginia Administrative Code.

### **4 VAC 15-270-50**

**Game: Firearms. Use of certain firearms prohibited in Northumberland County.**

#### **Summary:**

The proposal is to rescind the regulation prohibiting the use of high velocity, long range-rifles, shotguns loaded with slugs and pistols or revolvers of a larger caliber than 22 rim-fire for hunting in Northumberland County.

**Proposed language of amendment:**

~~4 VAC 15-270-50. Game: Firearms. Use of certain firearms prohibited in Northumberland County.~~

~~It shall be unlawful to use high velocity, long range rifles, shotguns loaded with slugs and pistols or revolvers of a larger caliber than 22 rim fire for hunting in Northumberland County.~~

**Rationale:**

Northumberland County contacted the department to request that the regulation be removed from our Administrative Code section. The prohibitions found in the regulation are regulated through county ordinances. They pointed out that their county ordinance was amended 2 years ago to allow slugs in shotguns but was still listed as prohibited in our regulation. This was causing confusion with constituents hunting in the county. County firearm ordinances are listed in the hunting digest and on our website and are kept up to date.

**After the presentation, the Chairman called for the motion for final adoption of the regulation. Mrs. Crumley made the following motion: Mr. Chairman, I hereby move that the Board adopt staff's recommendation to rescind regulation 4 VAC 15-270-50 from the Virginia Administrative Code. Motion seconded by: Dr. Greer. Ayes: Pollard Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch, Yates and Hazel.**

**Proposed Boating Safety Education Regulation – Final Action**

Mr. Charlie Sledd presented the final staff recommendation for a boating safety education compliance regulation (Chapter 410 consisting of 16 regulation sections) pursuant to § 29.1-735.2 of the Code of Virginia.

The 2007 Session of the Virginia General Assembly passed House Bill 1627/Senate Bill 1241 regarding a boating safety education compliance requirement and Board regulations to implement the details of that requirement. According to the legislation, the Board shall promulgate regulations by July 1, 2008 to implement a boating safety education program for all motorboat and personal watercraft operators to meet boating safety education requirements.

The boating safety staff presented its proposal-stage recommendations to the Board at its January 22, 2008 meeting and the Board proposed the regulations (Chapter 410) as

presented by staff for a public comment period that opened on January 31, 2008 and closed on March 16, 2008. During the public comment period, 82 comments were received online through the agency web site, 13 comments were received via e-mail to the regulatory coordinator, and 1 comment was received via mailed letter to the regulatory coordinator. All comments have been considered and the final staff recommendation does include a number of changes to reflect the comments received.

## **CHAPTER 410**

### **4 VAC 15-410-10 through 4 VAC 15-410-160**

#### **Summary:**

The final recommendation is to add a new Chapter 410 in the boating regulations to address the boating safety education compliance requirement pursuant to § 29.1-735.2 of the Code of Virginia. Revisions to the proposed regulation based on comments received during the public comment period are shown in ***bold italics***.

#### **Final Language**

### CHAPTER 410

#### WATERCRAFT: BOATING SAFETY EDUCATION

- 4 VAC 15-410-10. Application.
- 4 VAC 15-410-20. Definitions.
- 4 VAC 15-410-30. Compliance Schedule and Phase-In Provisions.
- 4 VAC 15-410-40. Provisions for Compliance and Minimum Standards for Boating Safety Education Course Competency.
- 4 VAC 15-410-50. Boating Safety Education Course Provider Requirements.
- 4 VAC 15-410-60. Boating Safety Education Course Availability.
- 4 VAC 15-410-70. Boating Safety Education Course Certificates.
- 4 VAC 15-410-80. Recordkeeping and Student Records.
- 4 VAC 15-410-90. Instructor Certification.
- 4 VAC 15-410-100. Provisions for Open-Book Tests for Classroom Courses.
- 4 VAC 15-410-110. Equivalency Exam Criteria.
- 4 VAC 15-410-120. Requirements for Motorboat Rental and Leasing Businesses and the Dockside Safety Checklist Program.
- 4 VAC 15-410-130. Temporary Operator's Certificate.
- 4 VAC 15-410-140. Optional Virginia Boater Education Card.
- 4 VAC 15-410-150. Fees.
- 4 VAC 15-410-160. Penalty ***for Violation***.

#### **4 VAC 15-410-10. Application.**

This chapter applies to all operators of a motorboat with a motor of 10 horsepower or greater or personal watercraft on the public waters of the Commonwealth. However, the

provisions of this chapter shall not apply to law enforcement officers while they are engaged in the performance of their official duties.

#### **4 VAC 15-410-20. Definitions.**

As used in this chapter, unless the context clearly requires a different meaning, the following words and terms shall have the following meanings:

“Approved Course Provider” is any individual, business, or organization that ***makes available to the boating public*** a boating safety education course approved by the National Association of State Boating Law Administrators and accepted by the Department. An approved course provider shall have executed and have on file a valid cooperative agreement with the Department. ***Persons who simply provide classroom instruction for an approved course provider shall not be considered an approved course provider. The Department will make information regarding such approved courses and providers readily available for public access.***

“Board” means the Board of Game and Inland Fisheries.

“Boating Safety Education Course” means a course offered in the classroom, through the internet, or through an electronic format such as CD-ROM that provides a course content and test questions that have been reviewed and approved by the National Association of State Boating Law Administrators in accordance with the National Boating Education Standards and accepted by the Department. A boating safety education course shall include no less than 50 test questions which shall include at least 10 test questions specific about Virginia boating laws.

“Department” means the Department of Game and Inland Fisheries.

“Dockside Safety Checklist” means a document provided by the Department that consists of selected facts about Virginia boating laws and safe boat operation that a rental or livery agent or motorboat/personal watercraft leasing business is required to present to those who rent or lease a motorboat or personal watercraft. The Dockside Safety Checklist must be reviewed and initialed by the person operating the motorboat or personal watercraft before the boat can be rented/leased and operated.

“Equivalency Exam” means a written examination that is developed by the Department to test the knowledge of information included in the curriculum of a boating safety education course (may also be referred to as a challenge exam). The equivalency exam is intended to provide experienced and knowledgeable boaters with the opportunity to meet the boating safety education compliance requirement set forth in Code of Virginia § 29.1-735.2 without having to take and successfully complete a boating safety education course. The equivalency exam shall be comprised of no less than 75 or more than 100 test questions, shall include no less than 25 questions specific about Virginia boating laws, shall be proctored by an individual(s) specifically designated by the Department,



and *shall be completed without the use of any reference material*. A minimum score of at least 70 percent shall be considered passing.

“Motorboat” means any vessel propelled by machinery whether or not the machinery is the principal source of propulsion and for this chapter shall mean with a motor of 10 horsepower or greater.

“NASBLA” means the National Association of State Boating Law Administrators.

“NASBLA Approved Course” means a boating safety education course that has been reviewed and approved by NASBLA.

“Onboard Direct Supervision” as referenced in Code of Virginia § 29.1-735.2.B.6 and 9 occurs when a person maintains close visual and verbal contact with, provides adequate direction to, and can immediately assume control of a motorboat or personal watercraft from the operator of a motorboat or personal watercraft. A person who is water skiing, or is in the cabin of a motorboat and not at the helm/wheel is not considered to be in *a position capable of providing* direct supervision.

“Operate” means to navigate or otherwise control the movement of a motorboat or vessel.

“Optional Virginia Boater Education Card” means a card authorized for issuance by the Department to persons who can show that they have met the minimum standard of boating safety education course competency or possesses a valid license to operate a vessel issued to maritime personnel by the United States Coast Guard or a marine certificate issued by the Canadian government or possesses a Canadian Pleasure Craft Operator’s Card or possesses a commercial fisherman registration pursuant to § 28.2-241.

“Personal Watercraft” means a motorboat less than sixteen feet in length which uses an inboard motor powering a jet pump as its primary motive power and which is designed to be operated by a person sitting, standing, or kneeling on, rather than in the conventional manner of sitting or standing inside the vessel.

“Proctored” means that the written equivalency exam has been administered under the direct supervision of (i) a designated member of the United States Coast Guard Auxiliary or the United States Power Squadrons®, (ii) a designated Department employee *or a Department Volunteer Boating Safety Education Instructor*, or (iii) an individual who has been approved for such purpose by the Department.

“Temporary Operator’s Certificate” means a nonrenewable document issued with the certificate of number for the motorboat or personal watercraft, if the boat is new or was sold with a transfer of ownership. A temporary operator’s certificate shall be issued only by the Department, by any person authorized by the Director to act as an agent to issue a certificate of number pursuant to Code of Virginia § 29.1-706, or by a license agent of the Department authorized to issue a temporary registration certificate for a motorboat or personal watercraft. A temporary operator’s certificate shall allow the owner(s) to

operate a motorboat with a motor of 10 horsepower or greater or personal watercraft in Virginia for 90 days.

“Vessel” means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

“Waters of the Commonwealth” means any public waters within the territorial limits of the Commonwealth.

#### **4 VAC 15-410-30. Compliance Schedule and Phase-In Provisions.**

The requirements for boating safety education shall be phased-in according to the following provisions:

1. Personal watercraft operators 20 years of age or younger shall meet the requirements by July 1, 2009;
2. Personal watercraft operators 35 years of age or younger shall meet the requirements by July 1, 2010;
3. Personal watercraft operators 50 years of age or younger and motorboat operators 20 years of age or younger shall meet the requirements by July 1, 2011;
4. All personal watercraft operators, regardless of age, and motorboat operators 30 years of age or younger shall meet the requirements by July 1, 2012;
5. Motorboat operators 40 years of age or younger shall meet the requirements by July 1, 2013;
6. Motorboat operators 45 years of age or younger shall meet the requirements by July 1, 2014;
7. Motorboat operators 50 years of age or younger shall meet the requirements by July 1, 2015;
8. All motorboat operators, regardless of age, shall meet the requirements by July 1, 2016.

#### **4 VAC 15-410-40. Provisions for Compliance and Minimum Standards for Boating Safety Education Course Competency.**

A. A person shall be considered in compliance with the requirements for boating safety education if he meets one or more of the following provisions pursuant to Code of Virginia § 29.1-735.2.B.1-9:

1. Completes and passes a boating safety education course;

2. Passes an equivalency exam;
3. Possesses a valid license to operate a vessel issued to maritime personnel by the United States Coast Guard or a marine certificate issued by the Canadian government or possesses a Canadian Pleasure Craft Operator's Card;
4. Possesses a temporary operator's certificate;
5. Possesses a rental or lease agreement and applicable Dockside Safety Checklist from a motorboat or personal watercraft rental or leasing business, which lists the person as the authorized operator of the motorboat or personal watercraft;
6. Operates the motorboat or personal watercraft under onboard direct supervision of a person who meets the requirements of this section;
7. Is a non-resident, is temporarily using the waters of Virginia for a period not to exceed 90 days, and meets any applicable boating safety education requirements of the state of residency, or possesses a Canadian Pleasure Craft Operator's Card;
8. Has assumed operation of the motorboat or personal watercraft due to the illness or physical impairment of the initial operator, and is returning the motorboat or personal watercraft to shore in order to provide assistance or care for the operator;
9. Is registered as a commercial fisherman pursuant to Code of Virginia § 28.2-241 or is under the onboard direct supervision of the commercial fisherman while operating the commercial fisherman's boat.

B. The minimum standards for boating safety education course competency required by the Department are:

1. Successful completion of a classroom boating safety education course in person and a passing score of at least 70 percent on a written test administered **closed-book** at the conclusion of the course by the designated course instructor(s) or other designated course assistant; or
2. Successful completion of a classroom boating safety education course in person and a passing score of at least 90 percent on a written test administered **open-book** at the conclusion of the course by the designated course instructor(s) or other designated course assistant; or
3. Successful completion of a boating safety education course offered through the Internet or through an electronic format such as CD-ROM and a passing score of at least 90 percent on a self-test administered in conjunction with the course material; or
4. A score of at least 70 percent on a proctored equivalency exam.

#### **4 VAC 15-410-50. Boating Safety Education Course Provider Requirements.**

A. To be an approved course provider, any individual, business, or organization that instructs or provides a boating safety education course shall execute and have on file a cooperative agreement with the Department. It shall be the responsibility of the State Boating Law Administrator to develop and execute such agreements. A list of approved course providers and boating safety education courses shall be kept by the Department and made available to the public. Such list does not constitute any endorsement of any course or course provider by the Department or the Board.

B. As of January 1, 2009, boating safety education courses offered through the Internet and accepted by the Department shall:

1. Be approved by NASBLA in accordance with the National Boating Education Standards for course content/testing;
2. Be provided only by an approved course provider who has executed a valid cooperative agreement with the Department. Such agreements may be amended at any time by the Department and may be cancelled with thirty (30) days notice upon failure of the course provider to comply with the terms and conditions of the agreement or its amendments;
3. Be formatted and made available to the student only in instructional/training modules;
4. Consist of no less than six (6) instructional/training modules with each module having no less than ten (10) test questions, randomly selected from a pool of questions that contains at least three (3) times the number of questions presented in the module test in 2009 and four (4) times the number of questions presented in the module test in 2010 and each following year;
5. Allow for the student to advance through the modules only in a sequential, chronological order and only upon successful completion of the test questions for the module. Successful completion shall be by a score of at least 90 percent correct on the test questions;
6. Be designed so that the student should spend at least 6 hours of active involvement in completing the course. Completing the course shall include familiarization with the course material, completion of any review questions, and completion of the test questions. The course design shall also include the provision of at least fifty (50) separate web pages of course content and material for presentation to the student. Active involvement shall require the student to click on a "Next" or "Forward" button to progress through the course material;
7. Be designed so that the student is directed to repeat the entire module if the student has not scored at least 90 percent correct on the test questions for that module. The

student shall also be provided with a reference to the applicable course text material for any missed questions on the module test;

8. Be designed to promote the presentation, understanding and comprehension of boating safety information and safe practices and not the simple completion of an end-of-course test.

C. Any material and/or products to be used by an approved course provider that make reference to the Department must be approved by the Department, through the State Boating Law Administrator, before publishing and/or distribution to the public.

D. Any fees charged by a course provider are set by the course provider, but must be clearly communicated to the student prior to taking the course.

#### **4 VAC 15-410-60. Boating Safety Education Course Availability.**

A. The Department shall coordinate with the United States Coast Guard Auxiliary, the United States Power Squadrons, and any other approved course provider so that classroom-based boating safety education courses are available across the Commonwealth throughout the year.

B. The Department shall coordinate with approved course providers of internet-based courses so that courses developed and offered in accordance with 4 VAC 15-410-50 subsection B are available.

C. The Department shall make testing opportunities for the proctored equivalency exam available on a statewide basis throughout the year.

#### **4 VAC 15-410-70. Boating Safety Education Course Certificates.**

A. Upon successful completion of a boating safety education course, the approved course provider shall provide the student with a course certificate and/or pocket-size card. At a minimum, such certificate/card shall include the student's name and date of birth, the issuance date, the name of the course, and indication of NASBLA course approval and acceptance by the Department. On a schedule and in a manner mutually agreed to through a cooperative agreement, each approved course provider shall provide to the Department *a copy* of the record of those students issued a course certificate and/or pocket-size card. Upon request by the student and subject to verification of successful course completion, it shall be the responsibility of each approved course provider to issue duplicate certificates/cards.

B. Upon successful completion of the proctored equivalency exam, the Department shall issue a completion certificate and/or card which shall include the person's name, date of birth, and the issuance date. Upon request by the person to whom the certificate/card was originally issued and subject to verification of successful completion, the Department shall issue a duplicate certificate/card.

#### **4 VAC 15-410-80. Recordkeeping and Student Records**

A. The Department shall maintain a database of all students successfully completing the Department's classroom-based boating safety education course and all persons successfully completing the equivalency exam. Such database shall include, but not be limited to, student name, address, date of birth, course/equivalency exam completion date, and the specific name of the course. On a schedule and in a manner mutually agreed to through a cooperative agreement, each approved course provider for other classroom-based boating safety education courses shall provide to the Department *a copy* of the record of those students successfully completing such course and the Department may add this information to the student database. A change in student address will be made only upon receipt of a written request from the affected student.

B. Each approved course provider for boating safety education courses offered over the Internet or through an electronic format such as CD-ROM shall maintain a database of all students successfully completing such course. The database shall include, but not be limited to, student name, address, date of birth, course completion date, and the specific name of the course. On a schedule and in a manner mutually agreed to through a cooperative agreement, each approved course provider shall provide to the Department *a copy* of the record of those students successfully completing their course. Such record shall include the database information referenced in this section. It shall be the responsibility of each approved course provider to ensure that reasonable measures, such as the Payment Card Industry (PCI) data security measures, are taken to protect any acquired student data. Further, such data shall not be sold or otherwise used in any way except for the student's own completion of a boating safety education course and issuance of course completion documents.

#### **4 VAC 15-410-90. Instructor Certification.**

A. To be certified as a boating safety education course instructor for the Department's classroom-based boating safety education course, a person shall have successfully completed a classroom-based boating safety education course and be certified as an instructor by the United States Coast Guard Auxiliary, or the United States Power Squadrons, or the National Safe Boating Council, or another certification program accepted by the Department.

B. Applicants for certified instructor shall submit an application to the Department on a form and in a manner determined by the State Boating Law Administrator. At a minimum, the application shall include:

1. The applicant's name;
2. The applicant's street address;
3. The applicant's telephone number;
4. The applicant's e-mail address, if any;

5. Information describing the applicant's experience and training in boating safety and seamanship and proof of completion of a NASBLA approved boating safety education course; and

6. Any other information deemed necessary after review of the initial application.

C. Applicants may be required to submit a written consent for a criminal history background check in a manner determined by the Law Enforcement Division of the Department.

#### **4 VAC 15-410-100. Provisions for Open-Book Tests for Classroom Courses.**

A. A boating safety education course offered in a classroom setting by either the Department or an approved course provider shall offer the student the option of taking the end-of-course exam either closed-book or open-book. The minimum standards for boating safety education course competency shall be as provided for in 4 VAC 15-410-40 subsections B.1 and 2.

B. In taking the exam open-book, the student may use the course text, instructor handouts, any related course material, and any personal notes taken during the class instruction to assist in the completion of the exam. The exam must be completed in a single session with a time limit not to exceed two (2) hours.

#### **4 VAC 15-410-110. Equivalency Exam Criteria.**

A. The Department shall develop and make available a written equivalency exam to test the knowledge of information included in the curriculum of a boating safety education course. Such exam shall provide experienced and knowledgeable boaters with the opportunity to meet the boating safety education compliance requirement set forth in § 29.1-735.2 of the Code of Virginia without having to take and successfully complete a boating safety education course.

B. The equivalency exam shall be proctored by an individual(s) specifically designated by the Department. The use of reference materials shall not be allowed while the exam is being administered and the exam shall be completed in a single session with a time limit not to exceed three (3) hours.

C. The equivalency exam shall be comprised of no less than 75 or more than 100 exam questions and a minimum score of at least 70 percent shall be considered passing. Upon successful completion, an exam certificate and/or card shall be issued to the person completing the exam.

#### **4 VAC 15-410-120. Requirements for Motorboat Rental and Leasing Businesses and the Dockside Safety Checklist Program.**

- A. Any person, business, or organization that provides a motorboat with a motor of 10 horsepower or greater or personal watercraft for rent or lease shall provide the rental/lease boat operator with a Dockside Safety Checklist provided by the Department. Other persons authorized to operate such boat shall also be provided with the Dockside Safety Checklist.
- B. A Dockside Safety Checklist shall consist of selected facts about Virginia boating laws and safe boat operation.
- C. The authorized operator(s) of the rental/leased boat shall review and initial each item in the Dockside Safety Checklist before they may operate the boat being rented or leased.
- D. The Dockside Safety Checklist for the authorized operator(s) shall be retained on board the boat being rented or leased, along with the rental or lease agreement from the motorboat rental or leasing business, when the boat is being operated.
- E. Any person who presents documentation that he has met the minimum standards for boating safety education course competency in accordance with 4 VAC 15-410-40 subsection B or possesses a valid license to operate a vessel issued to maritime personnel by the United States Coast Guard or a marine certificate issued by the Canadian government or possesses a Canadian Pleasure Craft Operator's Card or possesses a commercial fisherman registration pursuant to § 28.2-241 shall be exempt from the Dockside Safety Checklist requirements.
- F. Pursuant to § 29.1-735.2.B.6 *and 8* of the Code of Virginia, a person may be allowed to operate the rented/leased boat without completing the Dockside Safety Checklist as long as he is operating under the onboard direct supervision of a person (i) who has completed the Dockside Safety Checklist or (ii) who is otherwise exempt from the Dockside Safety Checklist requirement *or has assumed operation of the boat due to the illness or physical impairment of the initial operator, and is returning the boat to shore in order to provide assistance or care for the operator.*

#### **4 VAC 15-410-130. Temporary Operator's Certificate.**

- A. The registered owner(s) of a motorboat or personal watercraft, if the boat is new or was sold with a transfer of ownership, shall be issued with the certificate of number for the motorboat or personal watercraft a temporary operator's certificate that shall allow the owner(s) to operate such boat in Virginia for 90 days.
- B. A temporary operator's certificate shall be issued by the Department, by any person authorized by the Director to act as an agent to issue a certificate of number pursuant to Code of Virginia § 29.1-706, or by a license agent of the Department authorized to issue a temporary registration certificate for a motorboat. A temporary operator's certificate shall not be renewable.



#### **4 VAC 15-410-140. Optional Virginia Boater Education Card.**

A. The Department may establish an optional *long-lasting and durable* Virginia Boater Education Card for issuance to persons who can show that they have met the minimum standard of boating safety education course competency or who possesses a valid license to operate a vessel issued to maritime personnel by the United States Coast Guard or a marine certificate issued by the Canadian government or possesses a Canadian Pleasure Craft Operator's Card or possesses a commercial fisherman registration pursuant to § 28.2-241.

B. To obtain an optional Virginia Boater Education Card, a person must provide to the Department (i) a completed application on a form provided by the Department. The application shall require the applicant's name, current mailing address, and date of birth. The applicant must also sign a statement declaring that statements made on the form are true and correct and that all documents submitted with the form are true and correct copies of documents issued to the applicant. Incomplete applications will be returned to the applicant; (ii) a copy of the documentation (such as the boating safety education course completion certificate/wallet card or equivalency exam completion certificate/card) that indicates that the minimum standards for boating safety education course competency have been met. Such documents must contain the name of the individual applying for the Virginia Boater Education Card. The Department may require the applicant to provide the original document in the event that the copy submitted with the application is illegible or if the authenticity of the copy is not certain.

C. Upon receipt by the applicant, the optional Virginia Boater Education Card will serve in lieu of any other certificates or cards that have been issued to the bearer as a result of meeting the minimum standards for boating safety education course competency. As such, the Virginia Boater Education Card will not be transferable or revocable and will have no expiration date.

D. A person may apply, on a form provided by the Department, for a replacement Virginia Boater Education Card. A replacement card may be issued if the original card is lost, stolen or destroyed, if misinformation is printed on the card, or if the bearer has legally changed their name. The application shall include an affidavit stating the circumstances that led to the need for replacement of the original card.

#### **4 VAC 15-410-150. Fees.**

A. Pursuant to Code of Virginia § 29.1-735.2 subsection E, the Board may establish fees for boating safety courses and certificates provided by the Department. Such fees shall not exceed the cost of giving such instruction for each person participating in and receiving the instruction.

B. The Department shall not charge a fee for the provision of its state course for basic boating education delivered in a conventional classroom setting.

C. Fees charged by an approved course provider for boating safety education courses are set by the course provider, but must be clearly communicated to the student prior to taking the course.

D. The fee for issuance of an optional Virginia Boater Education Card, which will serve in lieu of a previously-obtained boating safety education course certificate/card, shall be \$10. The fee for *issuance of* a replacement ***Virginia Boater Education Card*** shall be \$8.

#### **4 VAC 15-410-160. Penalty for Violation.**

***Any person who operates a motorboat with a motor of 10 horsepower or greater or personal watercraft on the public waters of the Commonwealth shall, upon the request of a law-enforcement officer, present to the officer evidence that he has complied with subsection B of § 29.1-735.2.*** As provided for in §§ 29.1-735.2.H and 29.1-748.B of the Code of Virginia, any person who violates any provision of this chapter shall be subject to a civil penalty of \$100. All civil penalties assessed under this chapter shall be deposited in the Motorboat and Water Safety Fund of the Game Protection Fund and used as provided for in § 29.1-701 of the Code of Virginia.

Statutory Authority

§§ 29.1-735.2 and 29.1-748 of the Code of Virginia.

#### **Rationale:**

This chapter of regulations establishes the implementing details for the boating safety education compliance requirement as set forth in House Bill 1627/Senate Bill 1241 from the 2007 Session of the Virginia General Assembly. According to the legislation, the Board shall promulgate regulations by July 1, 2008 to implement a boating safety education program for all motorboat and personal watercraft operators to meet boating safety education requirements.

After Mr. Sleds presentation, the Chairman called forward the two people who had requested to speak on this agenda items.

#### **Public Comments:**

**Mr. Peter C. Lewis, Moneta, Virginia, withdrew his request to speak.**

**Mr. Bruce Dungan, Union Hall, Virginia, represents the Virginia Safe Boating Alliance.** Mr. Dungan stated that on behalf of the Virginia Safe Boating Alliance that it was a great opportunity and experience to work with Mike Bise on this regulation. The Alliance has reviewed the regulation and supports them. Mr. Dungan said on a personal note, he learns something new each time he takes the boating safety course.

The Chairman thanked Mr. Dungan for his remarks.

After a brief discussion, the Chairman called for a motion to adopt the final boating regulation as presented. **Mr. Montgomery made the following motion: Mr. Chairman, I hereby move that the Board adopt as final the boating safety education regulation (Chapter 410 consisting of 16 regulation sections) in the form recommended by staff. This regulation shall become effective on July 1, 2008. Motion Seconded by: Mr. Railey Ayes: Pollard, Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch, Yates and Hazel.**

### **Update on Hunting with Hounds Study**

Mr. Rick Busch of the Wildlife Division provided the Board with a brief update on the Hunting with Hounds Study. Since the January meeting, the Advisory committee has been formed and is comprised of 16 people ( 8 people who are hound hunters and 8 people who are affect by hound hunting). Their first meeting was on March 4, 2008. They are to establish and maintain communications with citizens and hear their viewpoints on the study. By the end of the 4<sup>th</sup> meeting a draft document based on results from the study should be ready and public hearings will begin shortly after this draft document is prepared in the fall. Final report is due to the agency in October.

Mr. Duncan thanked Mr. Busch and the technical staff for moving the study forward.

### **Public Comments**

**Mr. Floyd F. Smith, Sr., Goochland, Virginia**, is a member of the Central Beagle Club. Mr. Smith spoke regarding hunting with dogs and information distributed regarding the hunting with hound study.

The Chairman thanked Mr. Smith for his remarks.

### **Amendment to Board Governance Manual-Purpose of Wildlife and Boat Committee**

Mr. Charlie Sledd presented the suggested change to the Board Governance Manual so that it reflects that the Wildlife and Boat Committee also serve as the Motorboat Committee in accordance with § 29.1-701 of the Code of Virginia. This has been previously discussed at the Education, Planning and Outreach Committee meeting on January 22, 2008 and the Board meeting on the same date. As required by the Board Governance Manual, the amendment was presented at the January 22, 2008 meeting and today the Board will need to take final action on the adoption of the Amendment.

**The Chairman called for the vote on the amendment. Mr. Montgomery made the following motion: Mr. Chairman, I hereby move that the Board amend the Governance Manual as just described by Mr. Sledd. Motion Seconded by Ms. Pollard. Ayes: Pollard, Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch, Yates and Hazel.**

### **DGIF Financial Report – Sources and Uses of Funds**

The Chairman called upon Mr. C. T. Hill, Chairman of the Finance, Audit and Compliance Committee to provide a brief background on the DGIF Financial Report that will be forthcoming from the Director, Mr. Bob Duncan. Mr. Hill stated that during the last 24 months, the Finance, Audit and Compliance Committee had worked diligently to provide more transparency in the financial reporting. The report today is an in depth presentation of where the monies come from and how they are distributed throughout the agency.

Mr. Duncan gave a comprehensive presentation on the Sources and Uses of DGIF Funds. A brief discussion was held on life time license income and Mr. Duncan stated that it was dedicated money. The approximate balance in the account is 5 million.

### **Committee Reports**

#### **Finance, Audit and Compliance Committee**

The Chairman called upon Mr. C. T. Hill, Chairman of the Finance, Audit and Compliance Committee to provide a report on their activities. Mr. Hill reported that the committee met on February 13, 2008. Items discussed during the meeting were: the use of the Small Purchase Charge Card; internal audit report; an update on the Management Study and the financial report through January, 2008.

Mr. Ray Davis gave the financial report through February, 2008.

Mr. Hill also brought forward the following charter change recommended by the committee and made the following motion: Mr. Chairman, I hereby move that the Board adopt the following charter change:

#### **The Meeting section of the Charter currently states:**

The Committee is to meet at least four times each year, and as many times as the Committee deems necessary. As necessary or desirable, the chair may request that member of management, the Chief Compliance Review Officer, and the representatives of external auditors be present at meetings of the Committee. The Chief Compliance Review Officer shall be requested to attend any meeting of the committee related to its oversight responsibilities for auditing, financial reporting, risk, management or internal control structure issues.

#### **The Recommended change:**

The committee is to meet at least (4) times each fiscal year, and as many times as the Committee deems necessary. As necessary or desirable, the chair may request that member of management, the Chief Compliance Review Officer, and the representatives of external auditors be present at meetings of the Committee. The Chief Compliance Review officer shall be requested to attend any meeting of the committee related to its oversight responsibilities for auditing, financial reporting, risk management or internal control structure issues.

**The Chairman thanked Mr. Hill for his report and called for a motion to second the charter change as presented. Motion seconded by Pollard. Ayes: Pollard, Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch, Yates and Hill.**

#### **Wildlife and Boat Committee**

Mr. John Montgomery, Chairman of the Wildlife and Boat Committee gave the following report on their activities from the March 17, 2008 meeting. Mr. Duncan briefed the committee on the final 2008 General Assembly legislation; Mr. Sledd presented the Charter Revisions and the amendment to the Board Governance Manual; received updates on the Proposed Boating Safety Education Regulation and proposed wildlife regulations and received a report on the Climate Change and Wildlife Impacts-the Governor's Commission on Climate Change.

Mr. Montgomery read the recommended changes:

#### **Committee Charter Revisions**

Mr. Charlie Sledd presented the draft language to amend the Wildlife and Boat Committee charter so that it also reflects the proposed change to the Board Governance Manual regarding the purpose of the Committee. These changes are being done so that the Wildlife and Boat Committee will also serve as the Motorboat Committee pursuant to § 29.1-701 of the Code of Virginia.

#### **The current charter states:**

The Wildlife and Boat Committee is to evaluate the long-term needs of the Commonwealth's wildlife and boating resources to draft recommendations and/or policies addressing those needs for consideration by the entire Board. This Committee will also assess the needs, desires, and impacts of the users of these resources and provide guidance to the full Board as described above.

#### **Recommended Change:**

The purpose for the Wildlife and Boat Committee is to evaluate the long-term needs of the Commonwealth's wildlife and boating resources and to draft recommendations and/or policies addressing those need for consideration by the entire Board *and to serve as the Motorboat Committee in accordance with § 29.1-701 of the Code of Virginia*. This committee will also assess the needs, desires, and impacts of the users of these resources and provide guidance to the full Board as described above.

**Mr. Montgomery made the following motion: Mr. Chairman, I hereby move that the Board adopt the recommended change as presented. Motion Seconded by: Yates. Ayes: Pollard, Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch, Yates, Hazel.**

Mr. Montgomery presented the next charter change for the **composition** of the committee:

**The charter currently states:**

The Committee members shall be appointed by the Chairman of the Board Game and Inland Fisheries with each member to serve a term as determined by the Board Chair at the time of the Committee appointment. A quorum of the Committee shall consist of a majority of the members.

**Recommended Change:**

The Committee *shall be comprised of three (3) members of the Board of Game and Inland Fisheries*. Committee members shall be appointed by the Chairman of the Board with each member to serve a term as determined by the Board Chair at the time of the Committee appointment. A quorum of the Committee shall consist of a majority of the members.

**Mr. Montgomery made the following motion: Mr. Chairman, I hereby move that the Board adopt the recommended change as presented. Motion Seconded by: Yates. Ayes: Pollard, Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch, Yates and Hazel.**

Mr. Montgomery presented the next charter change for the **meeting** of the committee:

**The charter currently states:**

The Committee is to meet at least four (4) times each year, with additional meetings as deemed necessary by the Committee. The Chair may request the Director to have Department staff members be present at meetings of the Committee to provide information and/or expertise regarding the business matters, issues, and discussion topics of the Committee.

**Recommended Changes:**

The Committee is to meet at least four (4) times each *fiscal* year, with additional meetings as deemed necessary by the Committee. The Chair may request the Director to have Department staff members be present at the meetings of the Committee to provide information and/or expertise regarding the business matters, issues, and discussion topics of the Committee.

**Mr. Montgomery made the following motion: Mr. Chairman, I hereby move that the Board adopt the recommended change as presented. Motion Seconded by: Pollard. Ayes: Pollard, Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch, Yates and Hazel.**

**Mr. Montgomery said there will be two more meetings to stay in compliance with the Committee Charter. The dates are to be announced at a later date.**

The Chairman thanked Mr. Montgomery for his report.

### **Education, Planning and Outreach Committee**

Mr. Railey reported that the Committee met on January 22, 2008 and February 6, 2008. During the January meeting, the Committee discussed and took action on the following items: the amendment to the Governance Manual – this item has been presented to the Board and action has been taken today.

During the February meeting, the Committee discussed amending the agency Mission statement. The committee met again this morning to review the staff's recommendation to the mission statement. The committee reviewed the changes and will now recommend the adoption of the mission statement as presented:

## **MISSION STATEMENT DEPARTMENT OF GAME AND INLAND FISHERIES**

### **PROPOSED AMENDMENT**

To manage Virginia's wildlife and inland fish to maintain optimum populations of all species to serve the needs of the Commonwealth;

To provide opportunity for all to enjoy wildlife, inland fish, boating and related outdoor recreation and to work diligently to safeguard the rights of the people to hunt, fish and harvest game as provided for in the Constitution of Virginia;

To promote safety for persons and property in connection with boating, hunting and fishing;

To provide educational outreach programs and materials that foster an awareness of and appreciation for Virginia's fish and wildlife resources, their habitats and hunting, fishing, and boating opportunities.

**Mr. Railey made the motion: Mr. Chairman, I hereby move that the mission statement be adopted by the full Board as amended and read into the record. Motion Second: Mrs. Crumley. Ayes: Pollard, Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch, Yates and Hazel.**

Mr. Railey announced a work session with the Information and Education Section on May 19, 2008. This work session will include setting the sections goals and objectives for the next year.

The Chairman thanked Mr. Railey for his committee report.

### **Nominating Committee**

Mrs. Crumley presented the committee's nomination for the 2008-2009 slate of officers for consideration: Vice Chairman, Dr. William T. Greer and Chairman, C. T. Hill. The Chairman reminded the full Board that a vote will be taken on this slate of officers as presented during the June Meeting.

The Chairman thanked Mrs. Crumley for her report.

### **2008 General Assembly Final Legislative Report.**

The Chairman called upon Mr. Charlie Sledd to present the 2008 General Assembly Final Legislative Report. Mr. Sledd gave the following presentation:

During the 2008 General Assembly, the agency had an active lead on 22 bills; 11 bills passed. Of those 11 bills that passed 10 have been signed by the Governor; HJ231 was adopted by both houses.

Mr. Sledd reviewed **HB 115** that gives the Board regulatory authority to deal with time of checking traps. This will be an additional Board regulatory function.

**HB1175 and SB617** deal with the Apprentice Hunting License. This legislation established an apprentice hunting license that will be valid for 2 years from the date of purchase. The apprentice hunter must be under the direct supervision of a licensed hunter. The cost to Virginia residents is \$10.00 and a non-resident is \$20.00. **The license will be ready for purchase July 1, 2008.**

**HJ231 Game and Inland Fisheries, Board of; Board and Department to provide for citizen input in regulations.** The agency has to submit a report its progress.

On behalf of the Board, the Chairman expressed his sincere appreciation to David Whitehurst, Charlie Sledd, Bob Duncan, Gary Martel, Ray Davis and numerous other staff members who worked with the General Assembly and members of the Sportsman's Caucus to support the Hunting and Fishing Agenda items presented during the Session. Mr. Sledd thanked the Board for their continued support during the session.

### **Director's Report**

The Chairman called upon Mr. Bob Duncan to present his director's report.

Mr. Duncan called upon Mr. Bob Ellis of the Wildlife Division to present an update on the **Quail Wildlife Action Plan**. At the January meeting, the Quail Focus Group presented their resolution on the restoration, hunting and management of quail in



Virginia. Mr. Ellis gave a brief status report on staff actions taken since the January meeting. The Wildlife Division is taking active steps to develop a Quail Wildlife Action Plan. Items included in the plan are: management, research, education, outreach and coordination with various organizations, state agencies. It will also specifically address environmental factors limiting quail numbers and establishing official habitats to demonstrate the effectiveness of habitat management.

The Division's Small Game Committee met to begin working on the action plan developing goals and objectives for the plan.

A meeting has been scheduled on May 14 in Keysville to meet with major land management organizations to solicit input into the Quail Action Plan.

A draft plan should be ready for review by the Board at the July Meeting.

The Chairman thanked Mr. Ellis for his presentation.

Mr. Bob Duncan called on Mr. Gary Martel of the Fisheries Division to give a brief presentation on the **Coursey Springs Hatchery**. Mr. Martel stated bids have been received for the renovations of the Coursey Springs Hatchery. Negotiations continue to award the bid. An update will be presented at the June Meeting.

#### **Public Comments:**

**Ms. Lisa Cahill, Ruther Glen, Virginia**, spoke against the immediate construction of the fish hatchery (Coursey Springs).

The Chairman thanked Mr. Martel for his presentation.

Mr. Duncan called on Ray Davis to give an update on the **Management Study** proposal. Mr. Davis said due to the confidentiality of the bidding process he could not disclose any information received. An award will hopefully be made by May. An update will be provided at the June Meeting.

Mr. Duncan called upon Mr. James Adams to give a presentation on the **Powhatan Firing Range Project**. The agency has entered into a MOU with the Virginia State Police (VSP) and the Federal Bureau of Investigations (FBI) to provide long term facilities for training law enforcement officers and agency (DGIF) staff. The design life of the project is 50 years. The agency will be responsible for providing the site work, well & septic. The project is scheduled for total completion in June 2011.

Mr. Duncan stated by participating in the development of this facility, it will now provide adequate training for the Law Enforcement Division.

The Chairman thanked Mr. Adams for his report.

Mr. Duncan called upon Mr. David Whitehurst of the Wildlife Diversity Division to give a report on the grant awards for Conservation of Endangered Species. This is a new funding source for the conservation of endangered and threatened species. Mr. Whitehurst stated that during the Wildlife and Boat Committee meeting, he gave a brief update on wildlife funding included in the President's Budget. The agency continually works to find additional funding for wildlife conservation projects. Mr. Whitehurst provided this report:

*Annually, the U.S. Fish and Wildlife Service solicits proposals for projects funded through its **Cooperative Endangered Species Conservation Fund**. Through a highly competitive process, selected projects support **conservation planning and acquisition of vital habitat** for threatened and endangered wildlife and plants.*

*In the most recent round of grant applications, the Department submitted two proposals for projects through the **Recovery Land Acquisition Grants Program**. This program provides funds to states and territories to **acquire and protect habitat** for endangered and threatened species with approved recovery plans. An award was made for:*

- ***Purchase of Lee County cave isopod habitat in Lee County** (\$154,000 federal funds; 290 acres in Lee County, including one of only four known populations of this federally endangered cave invertebrate; in partnership with the Department of Conservation and Recreation, the purchased area will be owned by DCR and become a part of the Natural Area Preserve system); and*

*The Department also participated in a multi-state proposal through the **Habitat Conservation Planning Assistance Grants Program** to fund **Virginia's participation in the development of a landscape-level multi-species Habitat Conservation Plan** covering a 15,500-mile planning area. The NiSource HCP will be designed to avoid and minimize impacts to endangered and threatened species associated with construction, operation and maintenance of its natural gas transmission lines and ancillary facilities running from Louisiana to Indiana, and Ohio and throughout the northeast to Maine. Through the \$3 million grant, the Department and its partners will receive \$143,750 to fund staff efforts to review the Environmental Impact Statement, review the draft Habitat Conservation Plan, and identify potential mitigation areas. Nationally, \$8.6 million was available through this program.*

Mr. Duncan and the Chairman thanked Mr. Whitehurst for his report.

Mr. Duncan presented two items: (1) Last July, the agency participated in an on-site civil rights review by the Department of Interior, U. S. Fish and Wildlife Service. Mr. Duncan has received the final report stating that "We extend our sincere thank you for

cooperation on the civil rights review and commend the DGIF in its numerous areas of excellence such as inclusive services and outreach initiatives to women and educational programs; accessible features at DGIF Facilities and reasonable license fees for low income clients.” (2) Mr. Duncan made reference to HJ231 which provides for more citizen input for the regulation process. In keeping with this piece of legislation, Mr. Duncan presented and distributed to the Board the **proposed draft for the 2008-2009 Hunting and Trapping Periodic Regulation Review and Amendment Process and Schedule. Key elements of the draft process would be:**

- **Three Board Meetings**  
October 23, 2008: Hunting and Trapping Regulatory Issues  
February 26, 2009: (Staff Proposal-Stage Recommendations and)  
Board Proposals  
June 2, 2009: (Staff Final-Stage Recommendations and) Board Final  
Action
- **Two public comment or discussion periods**  
November 4, 2008 – January 5, 2009: Regulatory Issues Public  
Discussion Period  
March 10-May 11, 2009: Regulatory Proposal Public Comment Period
- **Two public meeting series**  
Early to mid September 2008: Hunting and Trapping Issues Town  
Hall Meetings  
  
Late March to early April 2009: Hunting and Trapping Proposal  
Public Input Meetings
- **Later effective date.**  
August 1, 2009 effective date for hunting and trapping regulations  
adopted June 2, 2009.

Mr. Duncan emphasized that this is a proposal and asked for the Board to consider this change and review for possible action during the June Meeting. However, Mr. Duncan did ask the Board for a motion to approve the concept to separate from the fishing and boating and non-game regulation process. Mr. Montgomery said this concept was presented during the Wildlife and Boat Committee meeting and it is the recommendation of the Committee that staff move forward in developing this concept. The Chairman stated that he felt a vote was not need since the concept as presented was in line with legislation recently passed by the General Assembly to keep the public involve in the regulatory process.

The Chairman thanked Mr. Duncan for his presentation.

#### **Chairman's Remarks**

**The Chairman stated a motion was needed to accept the proposed slate of Officers as presented by the nominating committee. Mrs. Crumley made the following motion: Mr. Chairman, I hereby move that the Board accept the slate of officers presented. Motion Seconded by Ms. Pollard. Ayes: Pollard, Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch, Yates and Hazel.**

As previously stated, the Chairman reported he took an active role in representing the Board and agency during the 2008 General Assembly session.

The Chairman was the speaker at the Mounted Fox Hunters Association of Virginia meeting.

The Chairman said he was looking forward to participating in the Trout Heritage Day at Graves Mountain Lodge.

This concluded his report.

Mr. James Adams reminded everyone of the SOBA Conference in October.

The Chairman called for a motion to go into a brief closed session.

***At 12:44pm, Mr. Yates made the following motion: Mr. Chairman, I moved that the Board go into a closed meeting pursuant to Section 2.2-3711.A.1 of the Code of Virginia for discussion or consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees or employees of the Department of Game and Inland Fisheries specifically regarding the performance of the Director. Motion was seconded by Mr. Railey. Ayes: Pollard, Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch, Yates and Hazel.***

***At 1:25 pm, The Chairman called for the Certification of the Closed Meeting. Mr. Charles Yates made the following certification: Mr. Chairman, I certify that whereas the Board of Game and Inland Fisheries has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act, and,***

***Whereas, Section 2.2-3712.D of the Code requires a certification by this Board that such a meeting was conducted in conformity with Virginia law; now, therefore, be it resolved that the Board of Game and Inland Fisheries hereby certifies that:***

- (1) to the best of each member's knowledge, only public business matters lawfully exempted from opening meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and***
- (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.***

*Certification was seconded by Mrs. Crumley. Ayes: Pollard, Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch, Yates and Hazel.*

**Next Meeting Date**

The Chairman announced the next meeting would be on June 3, 2008.

The meeting was adjourned at 1:26 pm.

Respectfully submitted,

Beth B. Drewery  
Board Secretary